

## **Attachment 5**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

[SCHEDULED FOR ORAL ARGUMENT ON FEBRUARY 23, 2023]

**In re: Sealed Case**

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**Case No. 23-3001**

**FILED UNDER SEAL**

**MOTION TO FILE SUR-REPLY**

Representative Scott G. Perry has filed a reply in further support of his motion to provide the House of Representatives with access to sealed records. His reply amends his requested relief and for the first time limits his request to specific documents. The government requests the opportunity to file a sur-reply that responds to Rep. Perry’s amended request for relief. As explained in the sur-reply, it may be possible for the government and Rep. Perry to reach an agreement that obviates the need for this Court’s intervention and preserves judicial resources.

Wherefore, the government respectfully requests leave to file the attached sur-reply.

Respectfully submitted,  
JACK SMITH  
Special Counsel

By: /s/ John M. Pellettieri  
John M. Pellettieri  
Assistant Special Counsel

[REDACTED]  
[REDACTED]

January 27, 2023

## **ADDENDUM**

### **Certificate of Parties and Amici Curiae**

The parties that appeared in the district court and that are now before this Court are the United States and Representative Scott Perry. There are no amici curiae or intervenors.

## **CERTIFICATE OF COMPLIANCE**

I hereby certify that this response satisfies the type-volume limitation in Fed. R. App. P. 27(d)(2)(A), because it contains 102 words. The foregoing also complies with the typeface and type-style requirements of Fed. R. App. P 32(a)(5) and Fed. R. App. P 32(a)(6) because it has been prepared in proportionally spaced, 14-point font serif typeface using Microsoft Word for Microsoft 365.

/s/ John M. Pellettieri

John M. Pellettieri

Assistant Special Counsel

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## CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit via email on January 27, 2023. I certify that service will be accomplished to following counsel for Representative Scott Perry by email:

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/s/ John M. Pellettieri  
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